

DECLARATION IN ORIGINAL APPLICATION

U.S. Attorney Docket No.: SP02-274

As a below named inventor, I declare that:

My residence, Post Office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD FOR ESTIMATING BIT ERROR RATIOS WITHIN AN OPTICAL COMMUNICATIONS NETWORK**.

The specification of which (check only one item below):

- is attached hereto
- was filed as United States Application Serial No. on _____, and was amended on _____ (if applicable)
- was filed as PCT international application number _____, on _____, and was amended under PCT Article 19 on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, on the same subject matter, having a filing date before that of the application on which priority is claimed:

- Country:** _____ **Application No.:** _____ **Filing Date:** _____
- NONE**

I hereby claim the benefit under Title 35 United States Code § 119(e) and § 120 of any United States application(s) or 365(c) of any PCT international application designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35 United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37 Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

- Provisional No.: 60/437290** **Filed:** 12/31/2002 **Status:** Filed
- Application No.:** _____ **Filed:** _____ **Status:** _____
- PCT Application No.:** _____ **Filed:** _____ **Status:** _____
- NONE**

DECLARATION IN ORIGINAL APPLICATION**U.S. Attorney Docket No.: SP02-274**

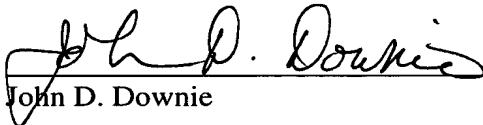
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: John D. Downie

Resident Address: 9 Knollbrook Lane, Painted Post, NY 14870
Post Office Address: same

Citizenship:

DATE: 10/1/03


John D. Downie

(U.S.)

Attorney Docket No.: SP02-274

POWER OF ATTORNEY BY ASSIGNEE

CORNING INCORPORATED, the assignee of the full and exclusive right, title and interest in and to the accompanying application for United States Letters Patent entitled **METHOD FOR ESTIMATING BIT ERROR RATIOS WITHIN AN OPTICAL COMMUNICATIONS NETWORK** and executed by John D. Downie on October 1, 2003 respectively, appoints the practitioners associated with the Customer Number provided below (i.e., the practitioners associated with the Intellectual Property Department, Corning Incorporated) to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith. Please direct all correspondence to Phillip G. Alden at the address associated with that Customer Number.

Customer Number: 22928

CORNING INCORPORATED

Date: 10/1/03

By



Mark W. Lauroesch
Assistant Secretary